

INTERNATIONAL SEARCH REPORT

International Application No

PCT/JP2004/002145

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12Q1/68 G01N33/574 G01N33/68 C12N15/11 A61K38/17
A61K39/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12Q G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, Sequence Search, WPI Data, BIOSIS, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/60860 A (MILLENNIUM PREDICTIVE MEDICINE) 23 August 2001 (2001-08-23) see SEQ ID NO:21355 and SEQ ID NO:27197: said SEQs show 99,9%identity to SEQ ID NO:1, respectively C10orf3 in 2616nt overlap abstract page 24, line 6 - line 26 page 35, line 14 - page 37, line 28; claims 8,46-48; tables 1-9 -----	16,25, 28,30, 31,33-36
Y	WO 2004/001072 A (ONCOTHERAPY SCIENCE INC ; FURUKAWA YOICHI (JP); NAKAMURA YUSUKE (JP);) 31 December 2003 (2003-12-31) the whole document -/--	1-15, 17-23, 26,27,32

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the International filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

27 October 2004

Date of mailing of the international search report

08. 11. 2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Mossier, B

INTERNATIONAL SEARCH REPORT

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PCT/JP2004/002145

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	<p>-& LIN Y-M ET AL: "MOLECULAR DIAGNOSIS OF COLORECTAL TUMORS BY EXPRESSION PROFILES OF 50 GENES EXPRESSED DIFFERENTIALLY IN ADENOMAS AND CARCINOMAS" ONCOGENE, BASINGSTOKE, HANTS, GB, vol. 21, no. 26, 13 June 2002 (2002-06-13), pages 4120-4128, XP001157022 ISSN: 0950-9232 the whole document</p> <p>-----</p>	
Y	<p>WO 02/21996 A (EOS BIOTECHNOLOGY INC ; GISH KURT C (US); MACK DAVID H (US); WILSON KE) 21 March 2002 (2002-03-21) page 2, line 30 - page 5, line 25 page 20, line 5 - line 11 page 58, line 30 - page 59, line 21</p> <p>-----</p>	1-15, 17-23, 26,27,32
Y	<p>WO 00/50588 A (INCYTE PHARMA INC ; KLINGLER TOD M (US); LAL PREETI (US); VOLKMUTH WAY) 31 August 2000 (2000-08-31) page 1, line 4 - page 3, line 4 page 11, line 4 - page 14, line 33; table 4</p> <p>-----</p>	1-15, 17-23, 26,27,32
Y	<p>KITAHARA O ET AL: "ALTERATIONS OF GENE EXPRESSION DURING COLORECTAL CARCINOGENESIS REVEALED BY CDNA MICROARRAYS AFTER LASER-CAPTURE MICRODISSECTION OF TUMOR TISSURES AND NORMAL EPITHELIA" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD, US, vol. 61, no. 9, 1 May 2001 (2001-05-01), pages 3544-3549, XP001157021 ISSN: 0008-5472 the whole document</p> <p>-----</p>	1-15, 17-23, 26,27,32
Y	<p>YANAGAWA R ET AL: "GENOME-WIDE SCREENING OF GENES SHOWING ALTERED EXPRESSION IN LIVER METASTASES OF HUMAN COLORECTAL CANCERS BY CDNA MICROARRAY" NEOPLASIA, DOYMA, BARCELONA,, ES, vol. 3, no. 5, September 2001 (2001-09), pages 395-401, XP009024057 ISSN: 0212-9787 abstract; table 2 page 400, column 1, paragraph 2 - column 2, paragraph 4</p> <p>-----</p>	1-15, 17-23, 26,27,32
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INTERNATIONAL SEARCH REPORT

International Application No
PCT/JP2004/002145

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>BUCKHAULTS P ET AL: "Secreted and cell surface genes expressed in benign and malignant colorectal tumors" CANCER RESEARCH, AMERICAN ASSOCIATION FOR CANCER RESEARCH, BALTIMORE, MD, US, vol. 61, 1 October 2001 (2001-10-01), pages 6996-7001, XP002960006 ISSN: 0008-5472 abstract; figures 1-5; tables 1-4 page 7001, column 1, paragraph 2 -----</p>	<p>1-15, 17-23, 26,27,32</p>
A	<p>ZHANG L ET AL: "Gene expression profiles in normal and cancer cells" SCIENCE, AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE,, US, vol. 276, 23 May 1997 (1997-05-23), pages 1268-1272, XP002083785 ISSN: 0036-8075 abstract; figures 1,2; tables 1-4 -----</p>	<p>1-23, 25-28, 30-36</p>
A	<p>EP 0 284 362 A (ICI PLC) 28 September 1988 (1988-09-28) -----</p>	

INTERNATIONAL SEARCH REPORT

International application No.
PCT/JP2004/002145

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 24, 29
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 1 - 8 are directed to a diagnostic method practised on the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Although claims 17 - 23 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Continuation of Box II.2

Present claims 24 and 29 relate to an extremely large number of possible compounds or formulations comprising the same. No support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for any compound identifiable by methods according to claims 9 - 15. The compounds recited in claims 24 and 29 are therefore purely hypothetical. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search is impossible. Consequently, no search has been carried out.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

JP/JP2004/002145

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0160860	A	23-08-2001	AU 4154101 A WO 0160860 A2	27-08-2001 23-08-2001
WO 2004001072	A	31-12-2003	WO 2004001072 A2	31-12-2003
WO 0221996	A	21-03-2002	US 2003077568 A1 AU 9090201 A CA 2422278 A1 EP 1317669 A2 JP 2004515225 T WO 0221996 A2 US 2002102544 A1	24-04-2003 26-03-2002 21-03-2002 11-06-2003 27-05-2004 21-03-2002 01-08-2002
WO 0050588	A	31-08-2000	AU 3479700 A CA 2361743 A1 EP 1155126 A2 JP 2002536995 A WO 0050588 A2	14-09-2000 31-08-2000 21-11-2001 05-11-2002 31-08-2000
EP 0284362	A	28-09-1988	AU 625169 B2 AU 1337888 A DK 159788 A EP 0284362 A2 FI 881388 A JP 1034291 A NO 881273 A NZ 223985 A PT 87055 A ,B ZA 8802082 A	02-07-1992 22-09-1988 24-09-1988 28-09-1988 24-09-1988 03-02-1989 26-09-1988 28-05-1991 01-04-1988 28-12-1988